

USE — The purpose for which land, building or structure is arranged, designed or intended, or for which a lot of land, a building or a structure is or may be occupied or maintained.

WAREHOUSE — A fully enclosed building used for the storage of materials and/or equipment.

WATER BODY — Permanent or intermittent bodies of water including creeks, streams, ponds, rivers, lakes, drainage channels and wetlands.

WETLANDS — As defined in MGL c. 131, § 40, and/or Chapter 132 of the Braintree Bylaws.

YARD — The space between a lot line and building line.

YARD, FRONT — An open, unoccupied space on the same lot with a building, extending the full width of the lot and situated between the street line and the front line of the building projected to the sidelines of the lot.

YARD, REAR — An open, unoccupied space on the same lot with a building between the rear of the building and the rear line of the lot projected to the sidelines of the lot.

YARD, SIDE — An open, unoccupied space on the same lot with a building, situated between the building and the sideline of the lot and extending from the front yard to the rear yard.

ZONING DISTRICT — A designated specified land use classification, within which all sites are subject to a unified group of use and site development regulations as set forth in this chapter.

ARTICLE II

Administrative Provisions

[Amended 10-1992 STM by Art. 11;
5-11-1994 ATM by Art. 56]

§ 135-201. Building Inspector.

- A. Except as otherwise herein provided, this chapter shall be administered and enforced by the Building Inspector. The Building Inspector shall issue no permit unless the plans,

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specifications and intended use of the premises comply in all respects with the provisions of the Braintree Zoning Bylaw.

B. Every application for a building permit shall be accompanied by a plot plan showing:

- (1) The dimensions and area of the lot;
- (2) The structures to be erected; and
- (3) The location of all ways adjacent to the lot.

Plot plans will show accurate distances from all lot lines and ways; existing and proposed street grades; existing and proposed contours at two-foot intervals; all wetlands; provisions for adequate drainage; the location of existing sewers, gas, water and other utilities in the street; the location of existing buildings on the lot; and the location of all easements. Each such plan shall be certified by a registered professional engineer or a registered land surveyor.

- C. Upon completion of the foundation, a registered land surveyor or registered professional engineer shall certify the location of the foundation as constructed. This certification shall be submitted to the Building Inspector for his approval before construction is resumed.
- D. No construction shall start prior to issuance of a building permit. No building shall be occupied or used until an occupancy permit has been issued by the Building Inspector. Said permits shall not be issued until the building and its uses comply fully with this chapter and the rules and regulations of other boards or agencies having jurisdiction.
- E. The Building Inspector shall review the progress of work from time to time to ensure compliance. If he concludes that there has been a violation of this chapter, he shall send to the offender a notice ordering a cessation of improper activities. Said notice shall be sent by registered or certified mail to the address stated on the initial application. If the offender holds a permit issued under this chapter, such permit may be revoked according to law. If a permit holder or other offender persists in such violation, the Building Inspector shall seek the imposition of the penalties authorized by MGL c. 40A.
- F. The Building Inspector shall act upon all written requests to enforce this chapter. Within 14 days of receipt of such request, the Building Inspector shall provide to the party requesting enforcement written notification of any action, or refusal to act, and the reasons for the decision.
- G. Every application for a building permit for a new single-family or new multifamily residential dwelling shall include the sill elevation of the proposed structure(s) and sufficient information to delineate the elevation of the sill and basement of the proposed structure(s) in relation to the grade of all abutting ways. All elevations of the proposed structure(s) as referenced above must be approved by the Town Engineer prior to the issuance of a building permit.

§ 135-202. Appeals to the Zoning Board of Appeal (for variance see § 135-407).

- A. Based on the provisions of this chapter, a person aggrieved by the refusal of the Building Inspector to issue a building or occupancy permit or by the issuance of a building or

occupancy permit to another may appeal the Building Inspector's action by filing a written claim of appeal to the Zoning Board of Appeal. Said appeal shall be filed with Town Clerk within 30 days of the Building Inspector's action.

- B. The Zoning Board of Appeal shall hold a public hearing to review the Building Inspector's action in accordance with the provisions of MGL c. 40A, § 15. The Zoning Board of Appeal shall give notice as required by the MGL.
- C. The Zoning Board of Appeal shall not take final action on an appeal until the Planning Board has submitted to the Zoning Board of Appeal a written report with recommendations on the matter or until the expiration of 30 days from the date of notice to the Planning Board.

§ 135-203. Special permits and site plan reviews (see Article V).

The Planning Board, in addition to its duties under the Municipal Planning and Subdivision Control Law, MGL c. 41, shall also be responsible for acting on special permits and site plan reviews as required under the Braintree Zoning Bylaw.

§ 135-204. Zoning Board of Appeal.

The Zoning Board of Appeal shall consist of three members and two associate members appointed as provided in MGL c. 40A, § 12. The Zoning Board of Appeal shall be responsible for hearing appeals of zoning decision(s) of the Building Inspector, acting on requests to modify or alter preexisting nonconforming structures, acting on requests for variances from the bulk and dimensional requirements of this chapter, and the issuance of earth removal permits, as authorized under this chapter.

§ 135-205. Repetitive petitions.

- A. Any petition for a variance or application for a special permit may be withdrawn, without prejudice, prior to the publication of the notice of public hearing. After publication of the notice of public hearing, a petition for variance or special permit may be withdrawn without prejudice only with the approval of the special permit granting authority (SPGA) or the permit granting authority (PGA).
- B. Any appeal, application or petition which has been denied by the SPGA or PGA shall not be acted favorably upon within two years after the date of denial unless:
 - (1) A minimum of four members of the Planning Board consents; and
 - (2) The PGA finds by unanimous vote or the SPGA finds by a vote of at least four members that there are specific and material changes in the conditions upon which the previous unfavorable action was based and describes such changes in the recording of its proceedings.
- C. The actions of the boards identified above may occur only after notice is given to parties of interest of the time and place of the meeting at which the petition will be considered.

§ 135-206. Disposition of violations.

- A. **Criminal complaint.** Whosoever violates any provision of these bylaws may be penalized by indictment or criminal complaint brought in the District Court. The penalty shall be not less than \$50 nor more than \$100 for each offense. Each day that willful violation continues shall constitute a separate offense.
- B. **Noncriminal disposition.** Whosoever violates any provision of these bylaws may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D, as the same is now or may hereafter be amended or supplemented. The specific penalties listed herein shall apply in such cases and the Building Inspector and his assistants, the local inspector and his assistants or persons serving the functions of same shall be enforcing persons for such violations. Each day which any violation or offense continues shall be deemed to be a separate violation or offense. Nothing contained herein shall be deemed to require the use of the noncriminal disposition method. At the option of the enforcement officer, criminal and/or civil action may also be utilized. The penalty shall be \$50 for each violation or offense.

§ 135-207. Notification of parties in interest.

Whenever any applicant or petitioner before any board or commission pursuant to these Zoning Bylaws is required to provide notice to parties in interest, said parties in interest shall be limited to those defined in MGL c. 40A, § 11 and to specific parties such as schools, churches, and hospitals, where applicable.

ARTICLE III
General Regulatory Provisions
[Amended 10-1992 STM by Art. 13]

§ 135-301. Districts established.

For the purpose of this chapter, the Town is hereby divided into use districts, as hereinafter provided. The boundaries of these districts are hereby established as shown on the Town's Zoning Map, dated December 10, 1986, as revised, and on file in the office of the Town Engineer. This map is by reference incorporated into and made a part of this chapter. Any changes in the number of districts or in district boundaries shall be noted on the Zoning Map as each such change is adopted through a Zoning Bylaw amendment. It shall be the responsibility of the Planning Board to update this Zoning Map. The districts are as follows:

Residence A Districts

Residence B Districts

Residence C Districts

General Business Districts

Highway Business Districts

Highway Business Retail Districts

